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20 Attorneys for Plaintiffs
21 VIESTE, LLC and VIESTE DEVELOPMENT, LLC

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 (1) VIESTE, LLC, an Indiana corporation; and
26 (2) VIESTE DEVELOPMENT, LLC; an
27 Indiana corporation,
28 Plaintiffs,
v.

No. C 09-04024 JSW

(1) HILL REDWOOD DEVELOPMENT,
LTD., a British Virgin Islands corporation;
(2) HILL INTERNATIONAL, INC., a
Delaware corporation;
(3) HILL INTERNATIONAL
DEVELOPMENT LTD., a British Virgin
Islands corporation;
(4) REDWOOD CAPITAL ADVISORS,
LLC., a Delaware corporation;
(5) STEPHEN GOODMAN, individually; and
(6) S. DICK SARGON, individually;
Defendants,

**STIPULATION AND ORDER
GRANTING LEAVE TO CONDUCT
CERTAIN DEPOSITIONS AFTER
MARCH 17, 2011**

And related Counterclaim.

1 For good cause as detailed below, subject to the Court's approval, and to avoid
2 unnecessary discovery motion practice, the undersigned parties hereby stipulate and agree to
3 allow two depositions to be completed after the current court ordered cut-off date of March 17,
4 2011.

5 **WHEREAS:**

6 1. On February 10, 2011 the parties jointly sought, and were granted, leave to
7 conduct the Rule 30(b)(6) Depositions of Defendants Hill Redwood Development, Ltd. and
8 Defendants Redwood Capital Advisors, LLC after the close of fact discovery but before March
9 17, 2011. See Dkt. Nos. 191 and 194.

10 2. Thereafter, the Court ordered the parties to meet and confer in an attempt to
11 resolve a number of discovery disputes included in the parties' February 22, 2011 motions to
12 compel. See Dkt. No. 213. The parties agreed to produce additional documents and provide
13 amended discovery responses on or before March 11, 2011.

14 3. Despite their reasonable efforts, Defendants are unable to provide the additional
15 discovery responses and produce the agreed-to documents by March 11, 2011. Thus, Plaintiffs
16 will not have the discovery in time to proceed with the currently noticed HRD and RCA
17 depositions.

18 4. Absent the relief sought herein from the Court, Plaintiffs anticipate they will need
19 to file a motion to continue the depositions past the March 17, 2011 deadline.

20 6. In order to avoid the need for the above-referenced motion practice, the parties
21 have reached a stipulation that would require both parties to provide amended discovery
22 responses and produce the agreed-to documents on or before March 17, 2011 and would allow
23 the RCA and HRD Rule 30(b)(6) depositions to proceed on or before April 8, 2011, or before
24 another date if the Court should so order. The parties will be taking expert depositions the week
25 of March 21, 2011 and Defendants' counsel has prior travel commitments the following week.
26 Therefore, the parties request the Court allow up to and including April 8, 2011 for the
27 completion of these depositions.

28 7. The parties seek the Court's approval of their stipulation, and request leave to
allow the two above-referenced FRCP 30(b)(6) depositions to be completed on or before April 8,

1 2011.

2 8. No other changes to the Court's scheduling order are sought.

3 **WHEREFORE, THE PARTIES STIPULATE AS FOLLOWS:**

4 1. The parties will provide amended discovery responses and produce responsive
5 documents as agreed during the March 3, 2011 conference on or before March 17, 2011.

6 2. The FRCP 30(b)(6) deposition of defendant Redwood Capital Advisors, LLC,
7 currently noticed for March 14, 2011 in San Francisco, California shall be vacated, and shall be
8 concluded by April 8, 2011 at a specific date and time to be agreed upon by the parties. The
9 parties agree that the deposition shall take place in San Francisco, California.

10 3. The FRCP 30(b)(6) deposition of defendant Hill Redwood Development, Ltd.,
11 currently noticed for March 15, 2011 in San Francisco, California shall be vacated, and shall be
12 concluded by April 8, 2011 at a specific date and time to be agreed upon by the parties. The
13 parties agree that the deposition shall take place in San Francisco, California.

14 **IT IS SO STIPULATED**

15 DATED: March 11, 2011.

16 Respectfully submitted,

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PATRICIA L. PEDEN
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20 Attorneys for Plaintiffs and Counter-Defendants
21 and Compulsory-counterclaim Plaintiffs
22 VIESTE, LLC and VIESTE DEVELOPMENT,
23 LLC

24

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25 LONG & LEVIT LLP
26 Attorneys for Defendants and Counterclaimants
27 HILL REDWOOD DEVELOPMENT, LTD., HILL
28 INTERNATIONAL, INC., HILL
INTERNATIONAL DEVELOPMENT, LTD.,
REDWOOD CAPITAL ADVISORS, LLC, and
Defendants STEPHEN GOODMAN, AND S.
DICK SARGON and compulsory counterclaims
defendants, including Steven E. Fishman.

ORDER

Good cause appearing for the stipulated relief requested above, the Court hereby orders:

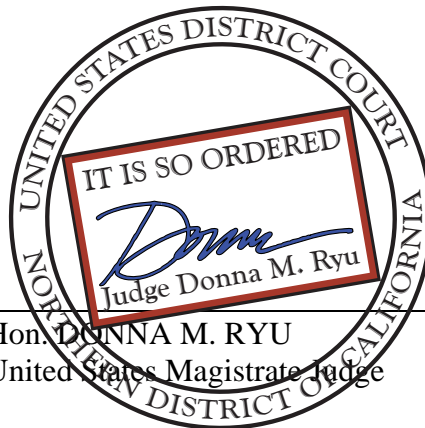
1. The parties shall provide amended discovery responses and shall produce all responsive documents as agreed during the March 3, 2011 conference on or before March 17, 2011.

2. The FRCP 30(b)(6) deposition of defendant Redwood Capital Advisors, LLC, currently noticed for March 14, 2011 in San Francisco, California shall be vacated, and shall take place on or before April 8, 2011 at a specific date and time to be agreed upon by the parties. The parties agree that the deposition shall take place in San Francisco, California.

3. The FRCP 30(b)(6) deposition of defendant Hill Redwood Development, Ltd., currently noticed for March 15, 2011 in San Francisco, California shall be vacated, and shall take place on or before April 8, 2011 at a specific date and time to be agreed upon by the parties. The parties agree that the deposition shall take place in San Francisco, California. No other changes to the Court's scheduling order are made.

IT IS SO ORDERED.

Dated: March 14, 2011



Hon. DONNA M. RYU
United States Magistrate Judge